

# 2905 HAMILTON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR  
WEDNESDAY, DECEMBER 16, 2009

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
November 30, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Official

SUBJECT: 2905 Hamilton Avenue, El Paso, Texas 79930

The following is a brief chronology of the investigation of the referenced location:

- 1) An investigation of the multifamily dwelling built in 1955 was conducted on July 27, 2009. Upon investigation the apartments were found in a state of disrepair. Numerous alterations were done without the required permits or inspections. There are numerous code violations that create an unsafe and dangerous situation for the tenants. The ceiling has collapsed in one of the units; the egress has been compromised due to the windows being blocked with bolted wrought iron guards. There are many exposed and spliced electrical wires. The plumbing and mechanical systems are inadequate. The interior walls contain several holes and penetrations posing a hazard with fire blocking and tenant separation..
- 2) A certified condemnation letter was mailed to Amancia Rodriguez.
- 3) Certified notices of the public hearing scheduled for December 16, 2009, were mailed to the owners and all interested parties on November 23, 2009.
- 4) As of November 24, 2009, \$3,791.81 in current taxes are owed.

The owners have been notified of the property maintenance violations at this property, to date there has been no corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be vacated and remain vacated within thirty (30) days; and
- 6) That the structure be secured and maintained secure until rehabilitated within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

## **NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **16th** day of **December, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **2905 Hamilton Ave.**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lots 12 and 13, Block 3, GRANDVIEW ADDITON to the City of El Paso, El Paso County, Texas, according to the map thereof on file in the Office of the County Clerk of El Paso County, Texas, also being known as 2905 Hamilton.**

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

According to the real property records of the County of El Paso Amancia Rodriguez, 2905 Hamilton Ave., El Paso, Texas, 79930 (the "**Owner**") is listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and

Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owner, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

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Cynthia S. Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

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Bill Stern, C.B.O.  
Chief Building Official  
Building Permits and Inspection Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 2905 Hamilton Ave. was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Amancia Rodriguez  
2905 Hamilton Ave.  
El Paso, Texas 79930

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Amancia Levi  
2905 Hamilton Ave.  
El Paso, Texas 79930

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 Hamilton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at  
2905 Hamilton Ave., El Paso, Texas.

Date:

Time:

Inspector





# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** November 24, 2009

**REP. DISTRICT:** 2

**ADDRESS:** 2905 Hamilton Avenue

**ZONED:** C-2

**LEGAL DESCRIPTION:** Lots 12 and 13, Block 3, GRANDVIEW ADDITION to the City of El Paso, El Paso County, Texas, according to the map thereof on file in the Office of the County Clerk of El Paso County, Texas, also being known as 2905 Hamilton.

**OWNER:** Amancia Rodriguez

**ADDRESS:** 2905 Hamilton Avenue  
El Paso, Texas 79930

**BUILDING USE:** Two story multifamily dwellings

**TYPE OF CONSTRUCTION:** V, Wood frame, brick and CMU covered w/stucco coating

**FOOTINGS:** Concrete

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** N/A

**CONDITION:**

**1<sup>ST</sup> FLOOR STRUCTURE:** Concrete slab on grade covered with linoleum covering.

**CONDITION:** A structural engineer or registered contractor must be hired to evaluate the flooring system.

**2<sup>ND</sup> FLOOR STRUCTURE:** Wood framing covered with hardwood and/or tile covering.

**CONDITION:** A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** CMU, brick and stucco masonry, also some wood paneling.

**HEIGHT:** 25' +/-

**THICKNESS:** 8" - 10" +/-

**CONDITION:** Fair. Due to lack of maintenance and exposure to the elements, some repairs and painting is recommended. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Wood frame, sheetrock w/plaster

**CONDITION:** Poor. Several holes and cracks on the walls and ceiling due to lack of maintenance will need to be repaired.

**ROOF STRUCTURE:** Gable roof, wood framing, built up with rolled roof composition

**CONDITION:** Poor. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.:** Metal doors, wood/metal frame windows w/bolted wrought iron guards.

**CONDITION:** Bad. Will need to repair or replace all doors and windows, so they are operational and meet egress requirements.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows are blocked, the stairwells are missing guardrails and the steps are uneven and unfinished. Will need replacing or repairs done so they are operational and meet minimum egress requirements.

**PLUMBING:** A licensed plumber should be hired to bring system up to code.

**ELECTRICAL:** A licensed electrician should be hired to bring system up to code.

**MECHANICAL:** A licensed mechanical contractor should be hired to bring system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:**

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** This is a two story multifamily dwelling built in 1955. The structure is showing signs of advanced deterioration and unsafe conditions. The structure should be repaired within sixty (60) days, if not repaired then the structure should be vacated and secured until rehabilitated and the property cleaned of all weeds, trash and debris.

Nellie Avalos

**Building Inspector**